



Docket No. 3818.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : MARK J. VERKAMP

SERIAL NO. : 10/691,626 ART UNIT : 3637

FILED : 10/24/03 EXAMINER : PHI DIEU TRAN A

FOR : RE-ROOFING METHOD AND APPARATUS

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

COMMISSIONER OF PATENTS

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Sir:

In an Office action, dated July 14, 2006, claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bussey, Jr., et al. (U.S. Patent No. 6,128,879). A careful review of Bussey, Jr., et al. indicates that such does not provide a legitimate basis for rejection of claims 1-3. Accordingly, the Examiner is asked to reconsider claims 1-3 in light of the following remarks.

Claims 1-3 are directed toward a spacer for applying a corrugated metal panel atop a roof covered by rows of shingles. The claimed spacer calls for a strip of resilient foam having *a width sufficient to rest flush against the exposed portion of one of the rows of shingles without overlapping adjacent rows*. The spacer also has a height sufficient to project above the tops of the